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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,444	02/15/2002	Richard Brown	30006610-2	8754

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EXAMINER	
AVELLINO, JOSEPH E	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,444	BROWN ET AL.	
	Examiner	Art Unit	
	Joseph E. Avellino	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *13-27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/8/06, 2/16/06*, 12/19/05, 03/01/06
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *IDS dated 12/19/05*.

DETAILED ACTION

1. Claims 1-27 are presented for examination; claims 1, 8, 13, and 21 independent. In response to the Restriction, dated March 10, 2005, Applicant has provisionally elected with traverse Group I, claims 1-12; claims 1 and 8 independent. Claims 13-27 remain withdrawn from examination as being drawn to a nonelected invention.

Priority

2. Applicant's claim to priority under 35 USC 119 has been acknowledged.

Information Disclosure Statement

3. Applicant's Information Disclosure Statements dated December 19, 2005, February 8, 2005, and February 16, 2006 have been considered. See enclosed and signed PTO-1449 forms.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarbotton et al. (USPN 6,757,830) (hereinafter Tarbotton) in view of Applicant's Admitted Prior Art found p. 5, line 31 to p. 6, line 14 (hereinafter AAPA).

5. Referring to claim 1, Tarbotton discloses an email handling method, comprising the step of storing an email in a compartment (i.e. dirty mail store 16) of a compartmented operating system (i.e. AV sys) (Figure 2; col. 5, lines 60-65).

Tarbotton does not specifically disclose the compartmented operating system is of the type having mandatory access controls to each of a plurality of predetermined resources of the computing platform hosting the operating system enforced by a kernel of the operating system to ensure that resources from one compartment of the OS cannot interfere with resources from another compartment of the operating system. AAPA discloses that these features of a compartmented operating system have been well known for several years for handling military information (col. 5, line 31 to p. 6, line 1) and that compartmented operating systems of this nature can be applied to the internet (p. 6, line 10-14 and incorporated NPL by Dalton and Griffin cited by Applicant in IDS). By this rationale, one of ordinary skill in the art would find it obvious to modify the system of Tarbotton to include the features of AAPA in order to allow the compartmented operating system to act as an application gateway and make it easier to administer and to detect attempts at an attack as supported by Dalton ("Applying Militarty Grade Security to the Internet, cited by Applicant in IDS, included in AAPA recitation) (col. 2, ¶ 3).

6. Referring to claim 2, Tarbotton discloses storing an email in a compartment with other emails (it is inherent that this feature is included in Tarbotton since all emails are included in the dirty mail store).

7. Referring to claim 3, Tarbotton discloses storing the email in an individual compartment (i.e. an individual compartment of the antivirus system known as the dirty mail store 16, it is not stored in any other compartments such as AV sys rules 22, scan engine 18, or virus definition data 20) (Figure 2; ref. 16).

8. Referring to claim 4, Tarbotton discloses assessing the email according to a security policy (i.e. holding the email for a set amount of time based on the characteristics of the email) (Figure 3; ref. 32, 34, 38).

9. Referring to claim 5, Tarbotton discloses determining a security status for the email (i.e. determine mail latency delay) (Figure 3, ref. 32; col. 7, lines 13-45).

10. Referring to claim 6, Tarbotton discloses the invention substantively as described in claims 1 and 8. Tarbotton does not specifically state applying a security tag to the email denoting the security status, however does disclose that anti-virus or anti-spam actions are taken, which can comprise disinfecting, blocking, deleting, etc. (col. 6, lines 44-55). In order to determine if an email has already been scanned and the results of said scan, one of ordinary skill would understand it would be obvious to modify the teaching of Tarbotton to include a security tag. By this rationale, "Official Notice" is taken that both the concept and advantages of providing for a security tag to an email denoting the security status is well known and advantageous in the art. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Tarbotton to include a security tag denoting the security status in order to easily determine if the email poses a security threat and what to do if it contains matter hazardous to the network, thereby reducing overall complexity of the system and allowing for future upgrades and replacements to be easily accomplished.

11. Claims 7-12 are rejected for similar reasons as stated above.

Response to Arguments

12. Applicant's arguments filed February 14, 2006 have been fully considered but they are not persuasive.

13. In the remarks, Applicant argues, in substance, that (1) there is no motivation to replace the compartmented operating system of Tarbotton with the OS of Dalton, and (2) Dalton does not discuss the application of its disclosure to email systems.

14. As to point (1), there is no need to replace the operating system of Tarbotton, merely incorporate the features found in the Dalton operating system. Applicant is reminded that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*,

837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known that email systems, such as those described in Tarbotton are constantly under harassment from hackers and such. Therefore one of ordinary skill in the art would recognize the need to secure those systems, one of ordinary skill in the art would realize the benefits of implementing the firewall system of Dalton with the system of Tarbotton in order to make it easier to administer and maintain the gateway machine in a secure state and to detect attempts at attack. Furthermore Dalton discloses using Mandatory access control (MAC) which are enforced consistently by the operating system, and users cannot choose which information will be regulated (p. 2, col. 1, ¶ 1). One of ordinary skill in the art would understand using MAC and privileges for the AV rules 22 in order to restrict users from usurping the security features, thereby providing a secure email system which is able to ward off attackers. By this rationale, the rejection is maintained.

15. As to point (2) Dalton discloses using the operating system for the Internet and "world wide web services" (p. 1, col. 2, ¶ 1). One of ordinary skill in the art would recognize that email would fall within this category and realize that the compartmented operating system can be used with the system of Tarbotton. By this rationale, the rejection is maintained.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad

interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
March 15, 2006

DAVID WILEY
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